

BOARD OF APPEALS CASE NO. 5179

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BEFORE THE

APPLICANT: Donald Haviland

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a sunroom
within the rear yard setback in an R2/COS District;
1211 Queensway Court; Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/26/01 & 10/3/01

HEARING DATE: November 5, 2001

Record: 9/28/01 & 10/5/01

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Donald Haviland, is requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom addition within the required 35 foot rear yard setback (33 feet proposed) in an R2/COS Urban Residential with Conventional Open Space District.

The subject parcel is located at 1211 Queensway Court in the subdivision of Amyclae and is more particularly identified on Tax Map 41, Grid 4D, Parcel 432. The parcel consists of 0.199 acre more or less, is zoned R2/COS and is entirely within the Third Election District.

The Applicant appeared and testified that he owns a small lot in Amyclae that has a wooden deck. The existing deck measures 16 feet by 10 feet and has been there for ten (10) years. The Applicant intends to enclose this deck for use as an all season sunroom. The Applicant testified that there are numerous other sunrooms in his neighborhood and throughout Harford County that are similar in size and appearance to his proposed enclosure. He stated that his lot is smaller than many others in Amyclae and the house was placed rearward on the lot decreasing the usable back yard space. The house behind him will be 65 feet away from the proposed enclosure. The Applicant did not believe any adverse impacts to neighboring properties would result from the enclosure.

The Department of Planning and Zoning considers such requests very minor in nature and recommends approval.

No persons appeared in opposition to the subject application.

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CONCLUSION:

The Applicant, Donald Haviland, is requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom addition within the required 35 foot rear yard setback (33 feet proposed) in an R2/COS Urban Residential with Conventional Open Space District.

The Hearing Examiner finds that the subject property is topographically unique in the zoning sense in that it is smaller than any other Amyclae lots and the house was positioned as far rearward on this lot as possible. This positioning severely constrains the rear building area, unlike other properties in this neighborhood. The proposed sunroom will have no adverse impacts on neighboring or adjacent properties and the request is minor enough that the purpose of the zoning ordinance will not be impaired.

For the foregoing reasons, the Hearing Examiner recommends approval of the request, subject to the Applicant obtaining any and all necessary permits and inspections.

Date NOVEMBER 27, 2001

William F. Casey
Zoning Hearing Examiner